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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,393	06/13/2001	Ronald A. Katz	6646-114N9	8506

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/881,393**

Applicant(s)

**Katz**

Examiner

**Stella Woo**

Art Unit

**2643**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 1, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-29 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other:  |

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 1, 2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barger, Jr. et al. (USPN 4,071,698, hereinafter "Barger") in view of Gordon et al. (USPN 4,763,191, hereinafter "Gordon").

Barger discloses a method for controlling voice-data communications comprising the steps of:

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interfacing certain of a plurality of individual callers with an interface unit (callers with push-button telephones are interfaced with data coupling sets 32; col. 6, lines 35-43; col. 9, lines 20-33);

cuing select callers to provide responsive signals representative of identification data (audio program repeater prompts the push-button caller to enter his account number; col. 11, lines 18-23; col. 9, lines 40-42);

receiving, selectively identifying and testing (caller enters his account number which is compared with stored data to access a customer's record and for credit verification; col. 2, lines 9-12; col. 5, lines 53-57; col. 6, lines 35-54; col. 8, lines 60+; col. 9, lines 40-44; col. 11, lines 37-47);

transferring at least certain of said callers to an attended terminal, upon a request from the individual caller that serves as a control signal (callers who key in a specified code requesting operator assistance are automatically connected with an attended terminal 39; col. 9, lines 39-40); and

displaying at said attended terminal (operator's terminal displays all the data for the customer's call including any historical and credit verification data retrieved from memory using the received customer account number and a complete record of all transactions made by the customer in order to present the operator with an accurate and informative profile of a calling customer; col. 5, lines 29-37; col. 6, lines 3-9, 21-29); and

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confirming (operator can verbally confirm with the customer data stored for said caller and displayed at the operator terminal; col. 4, line 57 - col. 5, line 45; col. 10, line 61 - col. 11, line 12).

Barger differs from claim 22 in that it does not specify receiving and recording caller number identification signals. However, Gordon teaches the well known use of caller number identification signals in a telephone ordering system for identifying callers and recording the caller number identifications signals for compiling the necessary delivery and charging information (col. 2, lines 48-64) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of caller identification signals, as taught by Gordon, within the ordering system of Barger to provide additional identifying data for use in compiling the necessary delivery and charging information.

4. Claims 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barger in view of the prior art submitted by Applicant entitled "DST Systems Inc. Mutual Fund System - Audio Response System".

Barger discloses a method for controlling voice-data communications comprising the steps of:

interfacing certain of a plurality of individual callers with an interface unit (callers with push-button telephones are interfaced with data coupling sets 32; col. 6, lines 35-43; col. 9, lines 20-33);

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prompting callers to provide responsive signals representative of identification data (audio program repeater prompts the push-button caller to enter his account number; col. 11, lines 18-23; col. 9, lines 40-42);

receiving, comparing and utilizing (caller enters his account number which is compared with stored data to access a customer's record (col. 2, lines 9-12; col. 6, lines 21-26; col. 8, lines 60+; col. 9, lines 40-44; col. 11, lines 37-47);

transferring at least certain of said callers to an attended terminal upon a request from the individual caller (callers who key in a specified code requesting operator assistance are automatically connected with an attended terminal 39; col. 9, lines 39-40); and

displaying at said attended terminal (operator's terminal displays all the data for the customer's call including any historical and credit verification data retrieved from memory using the received customer account number and a complete record of all transactions made by the customer in order to present the operator with an accurate and informative profile of a calling customer; col. 5, lines 29-37; col. 6, lines 3-9, 21-29); and

confirming (operator can verbally confirm with the customer data stored for said caller and displayed at the operator terminal; col. 4, line 57 - col. 5, line 45; col. 10, line 61 - col. 11, line 12).

Barger differs from claims 23-29 in that the confirmation takes place via the operator rather than a voice generator. However, Barger does teach replacing any functions of the operator with a voice generator (col. 6, lines 35-41) and the DST Systems reference clearly

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teaches the well known use of a voice generator in an audio response system for confirming caller entries by voice (page 2 entitled "General Features," last paragraph; page 11 entitled "Provision of Instructions to Shareholders, eighth indent) such that it would have been obvious to an artisan of ordinary skill to incorporate such confirmation via voice generator, as taught by DST Systems, within the method of Barger in order to relieve the human operator of the need to verbally confirm caller data, thus, resulting more efficient call handling operations.

#### ***Response to Arguments***

5. Applicant's arguments filed May 1, 2003 have been fully considered but they are not persuasive. .

Applicant argues that "[n]owhere in the preceding paragraphs is there any disclosure that the customer enters his account or credit card number, nor that such caller-entered data is recorded for transfer to an operator terminal." The examiner disagrees. Barger clearly provides for a caller entering his account number (col. 9, lines 40-42) and the human operator terminal automatically displaying "all of the data for that customer's call including any historical and credit verification data which the processor has recovered from memory using the customer's account or credit card number" (col. 5, lines 30-37) so as to provide the operator with a very accurate and informative profile of the calling customer (col. 5, lines 30-37; col. 6, lines 21-26). The data displayed is not restricted to data retrieved from memory. Rather, Barger provides for displaying all of the data for the customer's call *including* data retrieved from memory. Since it

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is the customer's account number which identifies the customer as well any historical data stored in memory, it would be nonsensical to omit this identifying information from the operator's display.

Regarding the transferring step, Barger provides for transferring a caller to an operator for assistance when a caller keys in a specific code, which serves as a control signal (col. 9, lines 39-40).

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

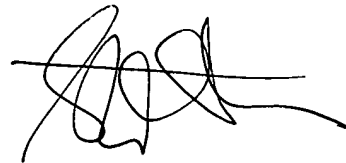
**or faxed to:**

(703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

June 2, 2003



**STELLA WOO  
PRIMARY EXAMINER**